

**From:** Geoffrey Miller  
**To:** Microsoft ATR  
**Date:** 1/26/02 3:53pm  
**Subject:** Microsoft Settlement

In regards to the proposed Ms Settlement and appointment of a TC:

It is my professional opinion that there is no one that can qualify these terms. Any person qualified is by definition a "competitor" or has a "conflict of interest", due to the nature of the computer/technology industry and the reach and control that MS competes in. There is no way that a technically proficient "programming and design" expert can NOT BE in competition with MS at some level. This, coupled with the weak oversights proposed amount to little more than a slap on the hand for Microsoft. There should be NO settlement, that MS was found guilty in the first finding, should then proceed to an appropriate punishment. I am in favor of the original proposal of breaking up MS, a company this large and with obvious disregard for the law, should be broken up.

#### B. Appointment of a Technical Committee

1. Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee ("TC") to assist in enforcement of and compliance with this Final Judgment.
2. The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties):
  - a. shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;
  - b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or
  - c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC

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